

Agenda

Town of Seekonk, MA Planning Board

05/13/14

7:00 PM

Seekonk Town Hall
Planning Board Meeting Room

Type of meeting:

Planning Board Regular Meeting, Public Hearing

Agenda topics – More information on each item can be found on our website – www.seekonk-ma.gov under Departments>Planning>Agenda Items

Preliminary Plan: Winterfell – 316 Warren Ave Trebor Properties, LLC

Partial Covenant Release – Pine Hill Estates Najas Realty

Covenant Agreement/Release – Girard Estates Conrad Girard

Covenant Release/Cash Surety Establishment – Ricard St Costa Development

Covenant Release/Cash Surety Establishment – Madison Estates Costa Development

Form A: School St – Plat 2, lot 3 Cuddigan Realty

8:00 PM Public Hearing

Zoning Bylaw Amendment: Wetlands and Floodplain Protection District Planning Board

Correspondence:

Approval of Minutes: 4/8/14

Adjournment



Planning Board
100 PECK STREET
SEEKONK, MASSACHUSETTS 02771
1-508-336-2960

To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: May 5, 2014

PRELIMINARY PLAN REVIEW
Winterfell – Plat 1, Lots (s) 24 (316 Warren Ave.)

Summary: The applicant has submitted an Application for Approval of Preliminary Plan for a Conventional Subdivision.

Findings of Fact:

Existing Conditions

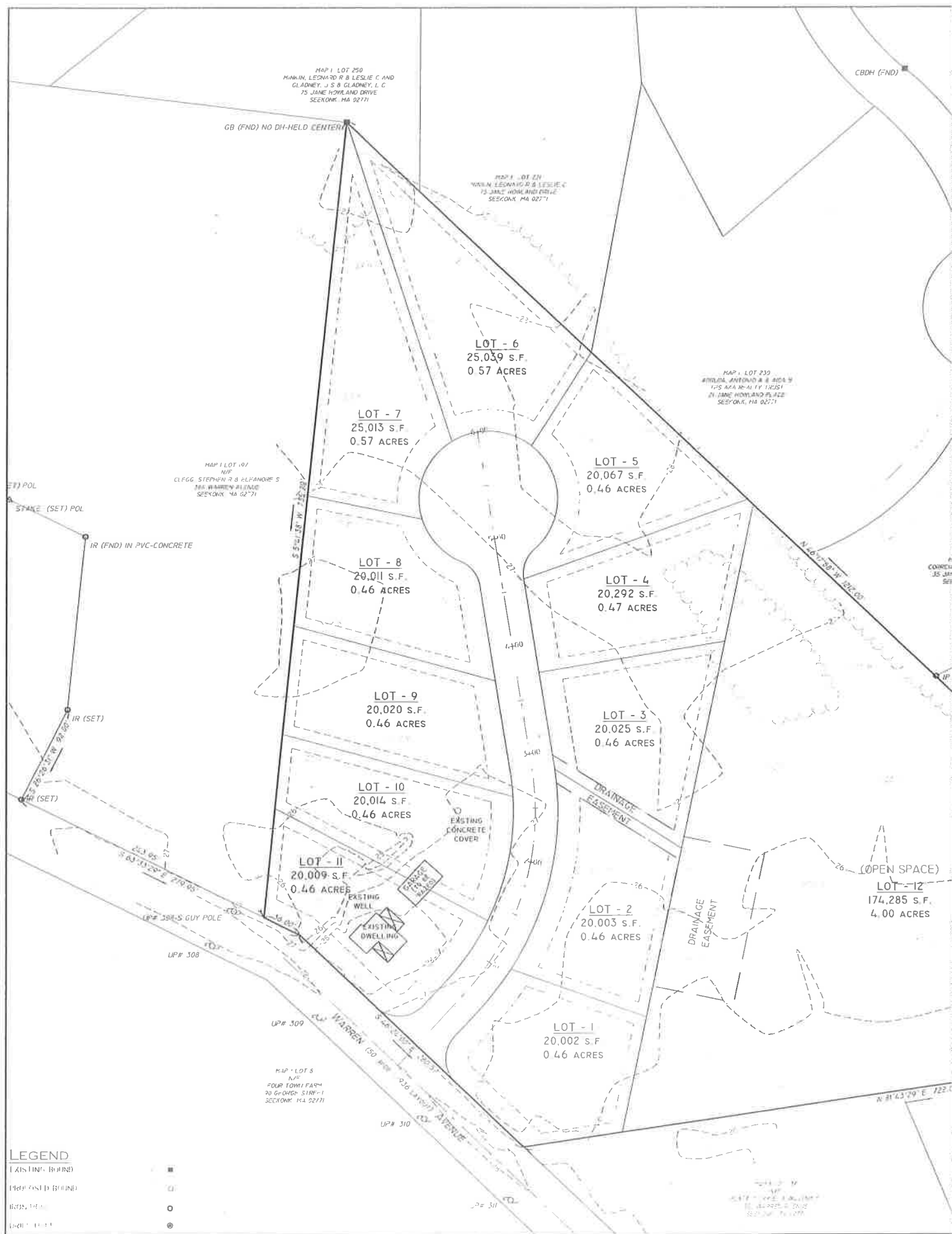
- Property contains 10 acres of agricultural land with a single-family dwelling and is in an R-3 Zoning District.

Proposal:

- Create 11 new house lots, all >20K sq. ft., on a public road a cul-de-sac. 9 house lots by-right and 2 additional lots with the density bonus special permit option - 1 affordable lot and 1 additional market rate house lot.
- Individual septic systems and wells will service the lots.

Recommendations:

This plan appears to meet the standards of the Subdivision Regulations for a Preliminary Plan. Therefore, an approval of this Preliminary Plan should be granted subject to review and approval by the Board of Health.





Planning Board
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1-508-336-2961

MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: May 6, 2014

Re: Pine Hill Estates – Partial Surety Release

The applicant for Pine Hill Estates has requested a partial covenant release for said subdivision. The original construction cost estimate has been reduced to ±\$144 K based on the work that has been completed by the applicant and inspected and approved by the Board's inspector. The remaining work includes binder course of asphalt, top-course of asphalt application, street tree installation, and final site prep work.

The method of surety proposed by the developer is leaving covenant on lot 1. This office would recommend releasing the covenants on lot 2 & 3 in Pine Hill Estates.



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MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: April 29, 2014

Re: Girard Estates-Covenant Agreement/Partial Covenant Release

The applicant for Girard Estates wishes to remove the covenant on lot 5 and place it on lot 7 so lot 5 can be built upon. Since this was a previously approved subdivision, this method of surety has been deemed appropriate by the Board. The remaining work, including street trees, alarm box, monuments and as-builts, are being completed at this time and a final surety release and road acceptance will be sought by the fall.

This office recommends placing a covenant on lot 7 and releasing the covenant on lot 5.



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MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: May 6, 2014

Re: Ricard Street-Extension – Partial Surety Release

The applicant for Ricard Street Extension has requested a partial covenant release for said subdivision. The construction cost estimate has been reduced to \$11,850 based on the work that has been completed by the applicant and inspected and approved by the Board's inspector, GPI. The remaining work includes street trees and final site prep work.

The method of surety proposed by the developer is cash. This office would recommend releasing the covenant on lot 2.



Planning Board
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MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: May 6, 2014

Re: Madison Estates – Partial Surety Release

The applicant for Madison Estates has requested a partial surety release for said subdivision. The construction cost estimate has been reduced to \$56,820 based on the work that has been completed by the applicant and inspected and approved by the Board's inspector. The remaining work includes top-course of asphalt application, street tree installation, and final site prep work.

The method of surety proposed by the developer is cash. This office would recommend releasing the covenant on lot 7 in Madison Estates.



Planning Board
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To: The Planning Board
From: John P. Hansen Jr., AICP, Town Planner
Date: May 1, 2014

APPROVAL NOT REQUIRED REVIEW (ANR)
Cuddigan Realty, Inc. – Plat 2, Lot(s) 3 – School St.

Summary: The applicant has submitted a request for an Endorsement of a Plan Believed Not to Require Approval.

Findings of Fact:

Existing Conditions

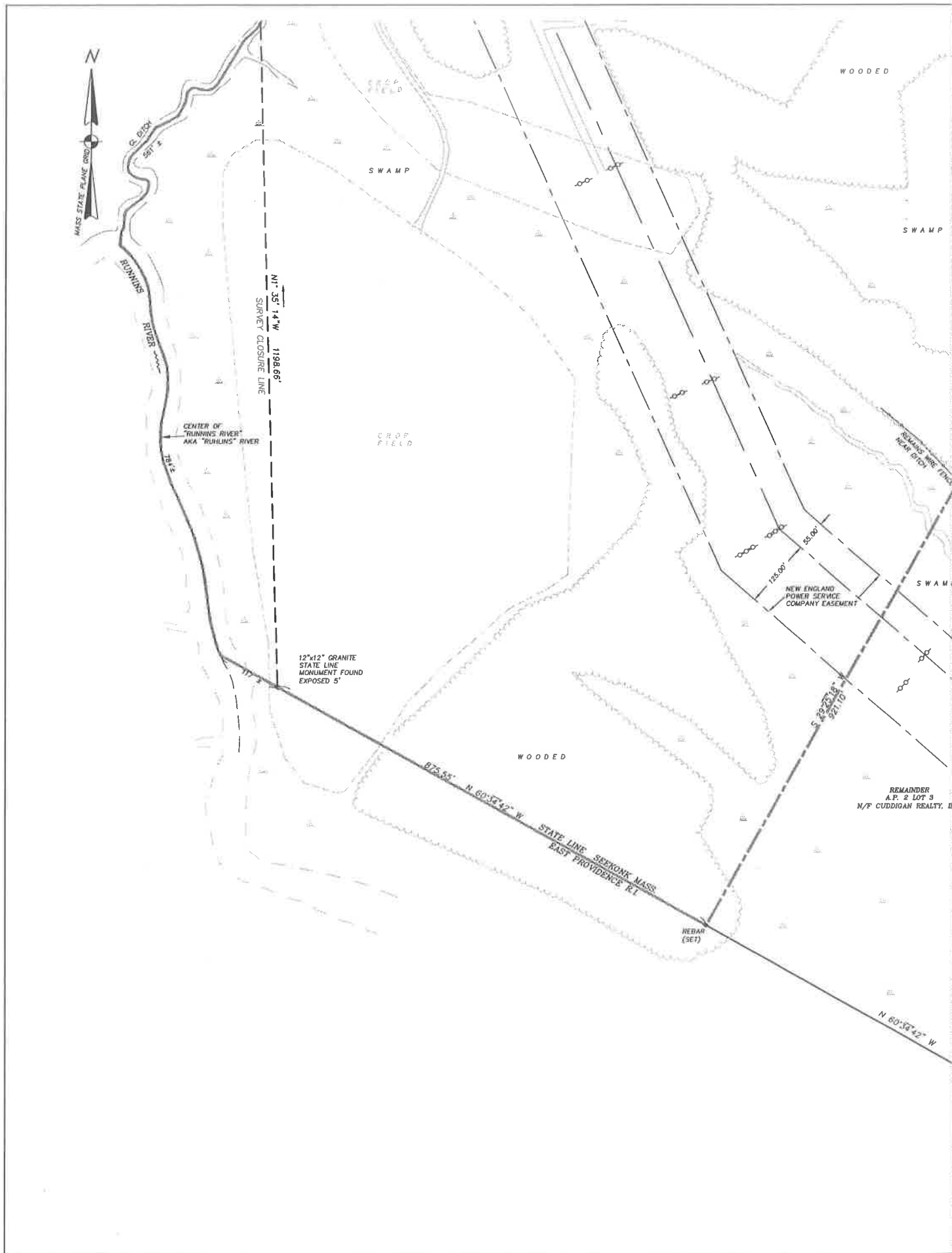
- 2-story barn exists on property, which is zoned R-3.

Proposed Lot Amendments:

- Divide into three lots; Lot 1, with the barn, will have 252' of frontage (150' minimum required), Lot 2, which will have 209' of frontage, has an Agricultural Preservation Restriction and is therefore unbuildable, and Lot 3, which is labeled unbuildable since no frontage exists.

Recommendation:

Staff recommends approval of this application as it meets the exemption clause within the definition of a subdivision in the Rules and Regulations Governing the Subdivision of Land for changing the size of lots in such a manner so as to not leave any lot affected without the proper frontage.



TOWN OF SEEKONK

Planning Board

MEMORANDUM

To: The Planning Board

From: John P. Hansen Jr., AICP, Town Planner

Date: May 1, 2013

Re: April monthly report

BYLAWS

Zoning Bylaw rewrite

- To be held off until Fall TM; Awaiting ZBA comments
- First draft of sign bylaw written; Clarification needed from consultant/legal counsel on timeframe for temporary signs

Medical Marijuana Treatment Centers Zoning Bylaw

- PB recommended approval; To be on June TM

Wetlands and Floodplain Protection Districts

- Public hearing to be held in May on amendment to include reference to new FEMA flood maps

PLANS

Master Plan

- Implementation on-going
- Economic Development section to be focused on once EDC established
- New Landscaping standards being researched to produce better quality design of non-residential projects

MISC

Luthers Corners Safety Improvement Project

- Design on-going; To be constructed in 2017

SUBDIVISIONS

Orchard Estates

- Binder course of asphalt installed

Tall Pines

- Binder course of asphalt installed

Madison Estates

- Binder course of asphalt installed

Caleb Estates

- Binder course of asphalt installed

Ricard St. Extension

- Binder course of asphalt installed

Pine Hill Estates

- Drainage installed

Jacob Hill Estates

- Definitive Plan approved

Country Brook Estates

- Definitive Plan approved

Summer Meadows

- Construction commenced

SITE PLANS

Swan Brook Assisted Living

- Applicant appealing DEP ruling on sewer treatment facility requirement to Superior Court; Applicant to go forward with first phase of project; Response from applicant to consultant's drainage comments still needed.

SEEKONK PLANNING BOARD

Regular Meeting

April 8, 2014

Present: Ch. Abelson, S. Foulkes, L. Dunn, M. Bourque, R. Bennett, D. Sullivan,
J. Hansen, Town Planner

Absent: D. Viera, with cause

7:00PM Ch. Abelson opened the meeting

Planning Board Reorganization – Planning Board

A motion was made by M. Bourque, seconded by R. Bennett and was unanimously

VOTED: to make Neal Abelson Chairman of the Planning Board

A motion was made by M. Bourque, seconded by L. Dunn and was unanimously

VOTED: to make Ronald Bennett Vice Chairman of the Planning Board

A motion was made by L. Dunn, seconded by D. Sullivan and was unanimously

VOTED: to make Michael Bourque the Clerk of the Planning Board

A motion was made by M. Bourque, seconded by R. Bennett and was unanimously

VOTED: to make Lee Dunn Vice Clerk of the Planning Board

Appoint SRPEDD Representative – Planning Board

A motion was made by M. Bourque, and seconded by R. Bennett and was unanimously

VOTED: to appoint Lee Dunn SRPEDD Representative

Surety Establishment Summer Meadows – Trebor Properties

A motion was made by R. Bennett, and seconded by L. Dunn and was unanimously

VOTED: to establish surety for Summer Meadows in the form of a covenant over the entire development, expiring in 8 months.

Form A: Arcade and Taunton Avenues - Proposed Sr. Center- Town of Seekonk

J. Hansen summarized it was a standard ANR plan. The parcel was to be split into two lots. Each lot had more than the required 120 feet of frontage, with access from Arcade Ave.

M. Bourque asked if the Town had purchased the property yet.

Ch. Abelson answered no.

M. Bourque asked if the PB endorsed the ANR would it be under the Town of Seekonk or the current owner's name.

J. Hansen said the Town is essentially the applicant as the current owner submitted a letter giving the Town permission to apply for any and all permits or variances.

M. Bourque wondered if the owner backed out of the deal, would they (the owner) still have the ability to get it subdivided.

J. Hansen said it would become subdivided once it gets recorded.

G. Sagar said they would request that it does not get recorded until such time that they can transfer the ownership. He said the Sr. Center Building Committee needed this plan because they are going before the ZBA for special permits and variances that are necessary for the property.

S. Foulkes asked what would happen to the house once the lot is separated.

G. Sagar said by separating it into two lots, it gives the town the possibility of selling the house.

S. Foulkes asked if selling the house would affect the parking.

G. Sagar said there are a number of cross easements involved and they have permission from The Knights of Columbus to use their parking lot for overflow.

S. Foulkes commented that there would have to be some type of path for the people to come in through the side.

G. Sagar said that could be worked out.

A motion was made by M. Bourque, seconded by R. Bennett and unanimously

VOTED: to endorse the ANR plan for Arcade Ave. and Taunton Ave. dated March 31, 2014.

Discussion: Zoning bylaw Amendments

J. Hansen summarized that the PB had a memo in their packets dated March 25, 2014 that went over seven amendments which were a result from a public hearing in February. He noted the amendments were mostly formatting issues and some omissions that were added back in. He said he would go through them, if the PB wanted him to.

P. Carlson commented about the dimensional requirements under R-1 – R- 4 specifically the lot width versus the lot frontage.

J. Hansen said the language for lot width had been removed to make it less confusing.

G. Sagar suggested to the PB before they bring it forward to Town Meeting they take the time and effort to update the Zoning Bylaws. He noted right now under State law, if you don't use a special permit, or variance within two years, you lose it. He noted Seekonk's bylaws said one year. He would like Seekonk to adopt the State standard.

J. Hansen said that was changed to the State standard.

G. Sagar said there were still bylaws from the 1979 rezone, off of School St., in which people thought it was incorrectly done and as a result people who live in that area still have to get special permits and variances to do anything.

Ch. Abelson noted some of those bylaws have been changed.

J. Hansen commented in 1979 the same time the Town was having public hearings and town meetings to rezone those plats, they were still being developed. He said he didn't understand why this happened, because the same board that was doing the zoning bylaws and map updates would have been the same board approving the subdivisions. He said those plats were put in with lot sizes that conformed at the time and then two months later got up-zoned to a 40,000 sq. foot minimum.

G. Sagar commented on the conservation subdivision saying applicants had to go to the ZBA multiple times to get a variance.

J. Hansen said that was changed as well, in that it was scaled, requiring more as you have greater acreage.

G. Sagar also noted the sign bylaw needed to be addressed. He said he would like to see a meeting as they did years ago with businesses, in Seekonk, to get their input.

Ch. Abelson said that he was on the sign bylaw committee and it was not successful.

G. Sagar commented there was a document to work with now, and he thought it would be in everyone's best interest to have a special town meeting just to deal with zoning and the sign bylaw because it gets very involved and confusing.

R. Bennett said he would want to have something, in hand ready to go, if they were to do that.

S. Foulkes asked if the PB was going to leave the zoning bylaws as is for the town meeting then address G. Sagar's recommendations.

J. Hansen asked the PB how they would like to proceed. He reminded them that they advertised the public hearing, in February to make these minor changes. The ZBA has had the zoning bylaws to look at since July 2013. He asked, if they wanted to make all the changes at once, or in small pieces.

D. Sullivan commented that doing it in little pieces might be easier at town meeting.

J. Hansen said the PB could either look at this in more detail and hold a special town meeting, or take the position they feel confident in what has been done to date and go forward as is.

Ch. Abelson said he thought if the PB goes ahead he didn't think the ZBA would be supportive.

M. Bourque suggested that the PB put it on the fall town meeting agenda and if they don't have the comments by then, it will go on as is.

J. Hansen said it needs to be known that just because it is being postponed to the fall meeting doesn't mean the PB will be looking at a whole set of new issues.

S. Foulkes wondered why the PB was capitulating to the ZBA. She said they had a public hearing and no one from ZBA showed up.

D. Sullivan said it is the PB's responsibility at town meeting so they need to have everything ready to present and if the ZBA was not in agreement it could be a problem because it needs a 2/3 majority to pass.

Ch. Abelson said he wanted to try and work with all the boards in Town. He said he was not necessarily in favor of postponing, but said it would make it a smoother process to get things approved.

R. Bennett said he understood S. Foulkes point that the ZBA had their bite of the apple and did not take it.

A motion was made by M. Bourque, seconded by D. Sullivan and

VOTED: to postpone bringing the proposed zoning bylaw amendments to the spring 2014 town meeting, let the ZBA look over and make comments, work with ZBA on any changes they have, and have a public hearing in the late summer and bring it to back to the fall 2014 town meeting.

Aye: R. Bennett, M. Bourque, D. Sullivan, L. Dunn, & Ch. Abelson

Nay: S. Foulkes

Motion passes (5-1)

J. Hansen commented the PB already held the public hearing for the medical marijuana overlay district, so that will be going to spring town meeting. He also said the PB will have to hold a public hearing at their next meeting, because the floodplain maps are being updated and there are not substantive changes to them but they must be reflected in the bylaw that they are effective July 2014. It has to be done or we lose our National Flood Insurance Program rating. It is simply changing the date from July 2009 to July 2014 on the floodplain maps that are referred to in our zoning bylaws.

Discussion: Sign Bylaw Amendments

J. Hansen summarized that the PB had before them the first draft of the sign bylaw. He said how it came to be was that he, Horsley Witten and town counsel, looked at past variances from the ZBA and case law. He said as they have heard many times, from town counsel, that if you start granting variances and waivers, even though no board is precedent setting, it does have the effect of becoming precedent setting, because the same variance has been approved over and over again. He said they looked back over the life of the zoning bylaws, specifically within the last ten years; we were at a 95% approval rating for variances and 100% within the last five years. Based on advice from town counsel, these changes were proposed because by defacto they have become law. He said they are mainly talking about changing the bylaw to what is already there, in the highway business district, along Route 6. He said they were not talking about changing the historic or local mom and pop businesses, it is geared towards the big box stores and making the bylaws consistent with what is out there and what had been granted.

Ch. Abelson asked the PB if they wanted to go through the changes.

J. Hansen summarized the changes. Changing one building sign on the face of a building that fronts a public right of way, to allow one building sign that faces any public right of way, or customer access driveway. Example: the Verizon building, Southcoast Smile and the Paper Store.

He went on to say, another change would be to the size of the letters on wall-mounted signs. Example: Lowes and Target. The change would be from 4' to 8' and the increase of letter size is the percentage of the height of the building face going from 20% to 30%. He went on to say this board needs to strongly urge, if these changes go through, that the ZBA can't grant variances.

S. Foulkes said that the new sign bylaws are going to reflect what they are currently creating variances for now, but she wondered what would happen if the applicant wanted even more. She asked would there be a maximum to stop at.

J. Hansen said this would be the maximum and again the PB needs to strongly urge the ZBA not to grant variances and stick to the bylaws. He went on to discuss the LED signs saying right now

there aren't any regulations. He said the conditions proposed already have been granted within the last five to ten years. LED signs cannot flash and must not change more than once a day.

The temporary signs section was discussed and based on town counsel's advice and on case law, 120 consecutive days would be permissible, not zone specific.

A motion was made by M. Bourque, seconded by R. Bennett and unanimously

VOTED: to make clear the temporary sign bylaw for 120 consecutive days, send the proposed bylaws to the ZBA, and put the amendments on the fall town meeting.

Approval of Minutes: 3/11/14

A motion was made by M. Bourque the, and seconded by L. Dunn and it was

VOTED: to approve the Planning Board Minutes of 3/11/14 with corrections on pages 1, 2, 4, 5, and 6

Abstained: D. Sullivan (was not yet a PB member)

Adjournment

A motion was made by R. Bennett, and seconded by M. Bourque and it was unanimously

VOTED: to adjourn at 8:35PM.

Respectfully Submitted by,

Florice Craig

ARTICLE :

To see if the Town will vote to amend SECTION 9.2. WETLANDS AND FLOODPLAIN PROTECTION DISTRICT of the Zoning By-Laws as follows, or take any other action relative thereto:

9.2 WETLANDS AND FLOODPLAIN PROTECTION DISTRICT

9.2.2.2 The floodplain portion of this District includes all special flood hazard areas within the Town of Seekonk designated as Zone A ~~or AE, AH, AO, A99, V or VE~~ on the Bristol County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Bristol County FIRM that are wholly or partially within the Town of Seekonk are panel numbers 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, 25005C0212F, 25005C0214F, 25005C0216F, 25005C0218F, dated July 7, 2009; and panel numbers 25005C0214G, 25005C0216G and 25005C0218G dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Bristol County Flood Insurance Study (FIS) report dated July 7~~16~~, 20092014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

9.2.4.2.5 ~~The following minimum requirements apply in all unnumbered "A" zones and all zones numbered "A1 through A7" designated on the Flood Insurance Rate Maps:~~

~~9.2.4.2.5.1 All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.~~

~~9.2.4.2.5.2 All new construction and substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated to or above the base flood level or constructed so that the structure and attendant utility and sanitary facilities below the base flood level are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~9.2.4.2.5.3 Where floodproofing is utilized for a particular structure, including nonresidential when it is intended to be made watertight below the base flood level, in accordance with the above paragraphs, a registered professional engineer or architect shall certify that the floodproofing~~

~~methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.~~

- 9.2.5.3 Obtain, review and reasonably utilize any base flood elevation data from a federal, state, or other source as criteria for requiring that all new construction, substantial improvements, or other development in Zone A and other special flood hazard areas meet the requirements of these By-Laws. All new subdivision proposals or any development greater than fifty lots or five acres, whichever is the lesser, any portion of which is in the floodplain of Zone A, shall include base flood elevation data based on the Hundred Year Storm. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

- ~~9.2.5.4.1 For all new construction or substantial improvements, fully enclosed areas below the lowest floor, which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Any such design must be certified by a registered professional engineer/architect or meet or exceed all the following criteria:~~

~~—a minimum of two openings having a total net area of a minimum of one square inch for every square foot of enclosed area which is subject to flooding;~~

~~—the bottom of all opening shall be no higher than one foot above grade;~~

~~—openings may be equipped with screens, louvers, or other devices provided they permit automatic entry/exit of floodwaters.~~

~~Records of the lowest floor elevations and floodproofing certification prepared by the architect or engineering and in accordance with these By-Laws shall be maintained on file as a matter of public record.~~

- 9.2.5.5 Prior to any alteration or relocation of a watercourse, notify adjacent affected communities and the Massachusetts Division of Water Resources Department of Conservation and Recreation, and also submit copies of such notification to the Federal Insurance Administration Emergency Management Agency Region I office.

- 9.2.5.8 All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

-Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR-120.G, ~~“Flood Resistant Construction and Construction in Coastal Dunes”~~);